UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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July 7, 2008

Bobby Blackmon
Division Administrator
Federal Highway Administration
Tennessee Division
640 Grassmere Park Road, Suite 112
Nashville, Tennessee 37211

SUBJECT: Supplemental Draft Environmental Impact Statement for Proposed Interstate 69 (Segment of Independent Utility #8) from State Route 385 in Millington to Interstate 155/U.S. 51 in Dyersburg in Shelby, Tipton, Lauderdale and Dyer Counties, Tennessee; CEQ Number 20080195

Dear Mr. Blackmon:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Supplemental Draft Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act. The Tennessee Department of Transportation (TDOT) and the Federal Highway Administration (FHWA) propose to construct Segment of Independent Utility (SIU) #8 of the new Interstate 69 (I-69) beginning at State Route 385 (Paul Barrett Parkway) in Millington, north to I-155/U.S. 51 at Dyersburg in Shelby, Tipton, Lauderdale and Dyer Counties, Tennessee.

Ten alternative alignments were proposed in the original Draft EIS for I-69 SIU #8 (approved in August 2005) utilizing a combination of various individual segments between Millington and Dyersburg. The Supplemental Draft EIS was prepared to evaluate and document environmental impacts associated with the development of a new crossover alternative segment (O4F) in Lauderdale County that was not analyzed in the original Draft EIS. Alternative O4F was developed in response to public concerns about lack of adequate access to any of the proposed I-69 alignments in Lauderdale County in the original Draft EIS. Alternative O4F would be similar in design to the rest of I-69 SIU#8, a four-lane divided, access-controlled facility on primarily new alignment approximately seven miles in length. Three alternative alignments for this new crossover segment were considered in the Supplemental Draft EIS; however only Alternative O4F was carried forward for detailed analysis due to greater environmental impacts and lack of community support for the other two alternatives.

The Supplemental Draft EIS also identified "Alternative R" as the preferred alternative for all portions of SIU #8, except for the section within Lauderdale County. EPA has some concerns about the identification of Alternative R as the preferred alternative in this Supplemental Draft EIS. A preferred alternative was not identified in the original Draft EIS. All of the alternatives were identified as having significant impacts to jurisdictional wetlands, rivers

and streams, regulatory floodplains, and prime and unique farmland, among other impacts. In our comments on the Draft EIS, we requested additional information that would be used by TDOT in making a decision in selecting a preferred alternative and that would be included in the Final EIS. We also recommended that TDOT convene an interagency meeting, similar to Concurrence Point #4 in the new TDOT Environmental Streamlining Agreement, to discuss the selection of the preferred alternative, prior to the release of the Final EIS. To date, such a meeting has not occurred.

The original Draft EIS identified two main corridors with several crossover segments that when put together in various combinations represented ten viable build alternatives. Segments were developed individually, but were analyzed and compared as a combined alignment alternative. With the development of an additional crossover option, it would seem appropriate for Alternative O4F to be considered in a similar fashion and combined with the other crossover segments such that comparisons could be made with the other alternatives. Since our comments on the original Draft EIS were not addressed in the Supplemental Draft EIS, EPA recommends that the Final EIS include a complete response to our comments, including additional information, and a thorough discussion of the rationale behind selection of Alternative R as the preferred alternative. This should also include an appropriate comparison of segment Alternative O4F. A number of other specific comments related to the adequacy of the Supplemental Draft EIS and the need for additional information are attached for your consideration.

We rate this document EC-2 (Environmental Concerns-with more information requested). We have concerns that the proposed action identifies the potential for impacts to the environment that should be avoided/minimized. Enclosed is a summary of definitions for EPA ratings. We appreciate the opportunity to review the proposed action. Please contact Ben West of my staff at (404) 562-9643 if you have any questions or want to discuss our comments further.

Sincerely,

for Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosures

cc: U.S. Army Corps of Engineers – Memphis District
U.S. Fish and Wildlife Service – Cookeville Office
Tennessee Department of Transportation
Tennessee Department of Environment and Conservation – Water Pollution Control

U.S. ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL IMPACT STATEMENT (EIS) RATING SYSTEM CRITERIA

EPA has developed a set of criteria for rating Draft EISs. The rating system provides a basis upon which EPA makes recommendations to the lead agency for improving the draft.

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

- LO (Lack of Objections): The review has not identified any potential environmental impacts requiring substantive changes to the preferred alternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.

- EC (Environmental Concerns): The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.

- EO (Environmental Objections): The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental objections can include situations:

    1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;
    2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;
    3. Where there is a violation of an EPA policy declaration;
    4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or
    5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.

- EU (Environmentally Unsatisfactory): The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:

    1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;
    2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or
    3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

- 1 (Adequate): The Draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

- 2 (Insufficient Information): The Draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the Draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the Final EIS.

- 3 (Inadequate): The Draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the Draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the Draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised Draft EIS.

Supplemental Draft Environmental Impact Statement for the Proposed Interstate 69 (Segment of Independent Utility #8) from State Route 385 in Millington to Interstate 155/U.S. 51 in Dyersburg in Shelby, Tipton, Lauderdale and Dyer Counties, Tennessee

SPECIFIC EPA REVIEW COMMENTS

Pages 7 and 8, Section 1.2.2 (Level of Service) – The level of service (LOS) traffic analysis completed for this project that provided the average daily traffic (ADT) volumes in the study area is not correct. The use of Year 2010 projected traffic estimates for U.S. 51 to represent the "existing" conditions within the study area is not appropriate. Existing traffic conditions should be based on recent traffic counts or models that utilize recent traffic counts to represent the current conditions in the study area (Year 2004 or 2005). This analysis should be corrected in the Final EIS as it has multiple effects on other analyses that rely on traffic volumes for comparison between existing and future conditions (e.g., traffic level of service, air, and noise).

In addition, the LOS analysis summarized in Table 1.1 is unclear and needs improvement. The overall objective of this analysis should be to show the effect of I-69, Segment #8 on traffic conditions in the future. To illustrate this effect, the table should show future traffic conditions on U.S. 51. The current table attempts to do this, but the information presented is incomplete. EPA recommends that this table be reformatted to show: 1) Existing Conditions on U.S. 51 (current traffic conditions), 2) Future No Build Conditions on U.S. 51 (no Segment #8 and no adjoining I-69 traffic), 3) Future No Build Conditions with other I-69 traffic on U.S. 51 (no Segment #8 and inclusion of adjoining I-69 traffic), and 4) Future Build Conditions on U.S. 51 (with Segment #8 and inclusion of adjoining I-69 traffic). The additional information related to future LOS on the proposed I-69 facility should be moved to a separate table. This information is less relevant, as it is typically assumed that a new facility would be built to provide adequate future traffic conditions. Also, what are "existing conditions" in Year 2030? Presumably, this represents the conditions described in #2 above, but this is unclear. It would also seem appropriate to provide additional analysis on future traffic conditions (with and without the project) on some of the other parallel roadways in the project area that would be impacted by I-69, specifically SR 209, SR 210, and U.S. 412 near Dyersburg. This would provide important additional information for the communities of Ripley, Halls, and Dyersburg.

The other aspect of future traffic conditions that is not described in this section (or in any other) is the usage of this facility by truck traffic. The EIS states that I-69 has a high demand for the movement of NAFTA-related goods. The traffic analysis should identify the current percentage of truck traffic that utilizes U.S. 51 and an estimation of additional truck traffic or percentage of future traffic that will utilize the new facility. This information is critical for the purposes of completing air quality and noise impacts assessment.

Page 9, Section 1.2.3 (System Linkage, I-69) – There is no discussion of the connection of this segment of I-69 to either Segment #7 or Segment #9. What is the status of these two segments and how do they connect? EPA recommends that due to the size and complexity of this project, the Final EIS should give more information on Segment #7 and Segment #9 for continuity.

Pages 11 through 15, Section 2.3 (Alternatives) – There are a number of connected actions (other ancillary roadway improvements) identified in this section or shown on Figure 1.3, but it is unclear if these actions have been adequately considered from the standpoint of environmental impacts in Section 4. These include: 1) five new interchanges; 2) two proposed rest areas; and 3) several other road realignments/relocations and closures. These other improvements should be considered part of the proposed action and therefore given full consideration with regards to the environmental impacts of all connected actions. The Final EIS should either confirm that these project elements are included in the current impact assessment for the various categories or include additional analysis of these connected actions.

Page 14, Table 2.1 (Alternative O4F Crossings and Interchanges) – This table suggests there will be an interchange at Node K over relocated U.S. 51. This is not shown on Figure 1.3. As discussed previously, it is unclear if this interchange has been considered for the purposes of impact analysis. EPA has concerns about this proposed interchange due to its proximity to the Hatchie River crossing and floodplain. This potential interchange should be fully analyzed and shown on appropriate maps in the Final EIS.

Page 39, Section 3.5.2 (Aquatic Resources, Surface Waters), 1st Paragraph – This paragraph suggests that 40 streams were assessed and/or sampled in the project corridor. However, there is no information included in this section (and only limited information in Section 4.5.2) that describes the results of this sampling/characterization and the extent to which these waterbodies are meeting designated uses or are considered impaired by the State of Tennessee. This section should include a thorough description of all open waters in the project area (e.g., lakes, ponds, rivers, streams) that have the potential to be impacted by the project. At a minimum, the Final EIS should include a map that depicts the locations of the streams and sampling sites that are referenced in the text.

Page 39, Section 3.5.2 (Aquatic Resources, Groundwater) – This section describes the importance of wellhead protection areas and identifies a number of these areas in the vicinity of the project. EPA recommends inclusion of a map of these areas to determine their relationship to the various build alternatives. This will be important for the consideration of impacts to these areas.

Page 62, Section 4.5.2 (Aquatic Impacts, Groundwater) – There is no discussion of potential impacts to groundwater from the project. Section 3.5.2 included a narrative description of groundwater sensitive regions, other wellhead protection areas, and aquifers used as domestic and public water supply sources in the study area. The Final EIS should include a more thorough analysis of the effects of the various alternatives to these areas and public water supply systems.

Page 80, Section 4.18 (Indirect and Cumulative Impacts) – This section suggests that indirect and cumulative impacts would be similar to those included in the approved Draft EIS and has little new information. EPA had significant comments on indirect and cumulative impacts in the original Draft EIS. Therefore, our earlier comments are restated here for appropriate consideration in the Final EIS.

Since a key purpose of the proposed I-69 project is to facilitate economic development, it is assumed that implementation of any of these alternatives would provide impetus for increased development. While the direct impacts of transportation projects may not be significant, the indirect effects of the project on land use and the subsequent environmental effects can be both temporally and geographically more extensive. The analysis of these changes and the subsequent environment impacts is important to understand the total impact of the federal action on the natural, cultural and socioeconomic environment. Consideration of secondary and cumulative impacts requires the assessment of an area's ability to absorb additional development, the loss of businesses or residences, or if the watershed can absorb the loss of additional wetlands.

The Draft EIS has a good qualitative discussion of areas for development potential in the project study area, specifically in the vicinity of the proposed interchanges. However, the indirect environmental impacts of the projected land use change associated with improved access and economic development are not fully analyzed. For example, it appears that there are some proposed connector roads that could facilitate expansion of existing industrial parks or facilitate the development of new commercial areas.

The Final EIS should include an estimation of land use change and overall growth changes from additional population and employment with and without the project. This should include an estimation of additional residential, commercial, and industrial land uses in the project area and the attendant increase in impervious surfaces. Many studies have shown that imperviousness in watersheds is one of the greatest factors contributing to the decline of sensitive aquatic species and overall water quality. Ideally, the specific differences in land use change and subsequent environmental impacts should be quantified and compared between alternatives, as much as possible. In addition, if there are important existing natural resources, such as high quality wetlands or wildlife habitat, in the vicinity of proposed access points for any of the alternatives, these areas should be identified for potential acquisition as mitigation sites. Other mitigation for indirect water quality impacts might include opportunities to expand riparian buffers adjacent to impacted streams and rivers in the project vicinity.

It is likely that all alternatives away from U.S. 51 will adversely impact existing businesses and other developments in this corridor. What will be the indirect impacts on service-related or other businesses along existing U.S. 51 in the areas to be bypassed by the proposed I-69, such as Covington, Ripley, Halls, and Dyersburg? What specific businesses would most likely be affected? Section 4.1, Land Use Impacts, includes a good discussion of the potential for certain interchanges to have a higher likelihood for secondary development than others, for each alternative.

A critical aspect of the Final EIS will be to provide the local communities with a better understanding of the land use implications that will be expected from implementation of the project. With this information, these communities can develop future land use plans and potential zoning regulations that could be enacted in concert with development of the transportation infrastructure.